

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

KESAN TAYLOR,

Plaintiff,

v.

ROY L. HENDRICK, et al

Defendants.

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CIVIL NO: 01-4283(JCL)

**MEMORANDUM AND ORDER**

**LIFLAND, District Judge**

Kesan Taylor (Petitioner) sought habeas corpus relief from this court, which was denied in July, 2002. His appeal was rejected by the Court of Appeals on April 24, 2003 for lack of jurisdiction, based on the late filing of the Notice of Appeal. By letter dated January 31, 2006, petitioner seeks to file a motion under Rule 60(b)(1). The motion asks the Court to allow him to file a Notice of Appeal, and asserts excusable neglect in support of his request.

Mr. Taylor's motion under Rule 60(b)(1) is untimely. A motion under Rule (60(b)(1) which is based on excusable neglect may not be made more than 1 year after the ruling from which relief is requested. The Court of Appeals dismissed the petitioner's appeal on April 24, 2003, and this application was not made until more than 2 years and 9 months later.

Petitioner seeks relaxation of the foregoing time limit under Local Civil Rule 83.2(b), stating that “he was not aware of [the time limit] until January of 2006...” Local Civil Rule 83.2(b) does not authorize relaxation of Fed.R.Civ.Proc. 60(b)(1). Because no good reason for relaxation of Rule 60(b)(1)’s time limit is suggested, the Court will enforce it and deny the motion. Whatever may have been the reasons for the late filing of the Notice of Appeal, the Court sees no good reason for the 2 years and 9 month delay in seeking the instant relief.

Accordingly, it is on this 14<sup>th</sup> day of June, 2006

ORDERED THAT Kesan Taylor’s January 31, 2006 motion seeking leave to file a Notice of Appeal is denied, and it is further

ORDERED THAT a Certificate of Appealability will not issue; and it is further

ORDERED THAT Kesan Taylor’s request for a copy of this Court’s Order filed July 10, 2002 is granted, and the Clerk is directed to provide a copy thereof to Mr. Taylor.

/s/ John C. Lifland, U.S.D.J.